HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

MISC. APPEAL (C) NO. 321 of 2007

APPELLANT

Smt Sarojani Dubey W/o Shri Ramesh Dubey, Caste - Bramhan, Age about 50 years R/o Village Ganiyari, Thana Kota, Tah Takhatpur Distt- Bilaspur

Versus

RESPONDENTS

1) Gurumukh Singh S/o Ajit Singh Age about 28 years R/o Tekanama, Nari Road C-62 Nari, Tah & Distt - Nagpur, Occupation Vehcle Driver

(Vehicle Driver of No. CG 04 G / 6572)

2) Baldev Singh Kalyan S/o Ajit Singh Kalyan, R/o GE Road, Tatibandh, Raipur Tah & Distt - Raipur CG

Permanent address - MP Gujrat Road Lines, 48 Gangabai Ghat Road, Near Telephone Exchange, Nagpur (Maharashtra)

(Vehicle Owner, Vehicle No.CG 04 G/6572)

3) National Insurance Company Limited, Branch Office, Pal Complex Anjani Chowk Nagpur (Maharashtra)

PIN Code - 440015, Telephone No.237166 - 237167 Nagpur (Maharashtra), Through Branch Manager

4) Shiv Kumar Suryavanshi S/o Gendram Suryavanshi Age about 22 years R/o Bhedimuda, Ratanpur, Thana Kota, Distt - Bilaspur CG Occupation - Driving, Vehicle Driver, Vehicle No.CG 12 ZD / 0593

5) Rajesh Dubey S/o Dhanendra, R/o Sarkanda Bilaspur CG (Vehicle Owner No- CG 12 ZD / 0593)

6) The New India Insurance Company Limited, Branch Office Bilaspur, Rajendra Nagar Chowk, Link Road, Bilaspur CG, Branch Manager

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Present : Shri Suresh Pandey, counsel for the appellant.
None for the respondents.

ORAL ORDER
(Passed on 16th March, 2007)

The following oral order of the Court was passed by

Vijay Kumar Shrivastava, J.

This is an appeal filed by injured claimant under Section 173 of the Motor Vehicle Act 1988 (henceforth "the Act") for enhancement of compensation, against the award dated 2-12-2006, passed by Sixth Additional Motor Accident Claim Tribunal, Bilaspur (CG) (henceforth "the Tribunal") in claim case No.18/2006, whereby compensation of Rs.75,000/- has been awarded to her.

2) Factual matrix of the case in brief is that, on 28.07.2005 at about 10.30 am appellant was traveling on jeep bearing

registration No.CG-12 ZD/0593 she was going to Ratanpur. On the way, the jeep was dashed by a truck bearing registration No.CG - 04 G/6572 resultantly she received injuries. She filed an application for compensation against the driver, owner and insurer of the truck as well as jeep, under Section 166 of the Act.

3) Learned Tribunal after appreciating the evidence adduced by the parties, awarded compensation as below :

(a)	For treatment	Rs.15,000/-
(b)	For pain & suffering	Rs.10,000/-
(c)	For special diet, attendant & transport	Rs.10,000/-
(d)	Other expenses	Rs.40,000/-
	Total Award	**Rs.75,000/-**

4) Heard learned counsel for the appellants. Learned counsel contended that appellant sustained 30% disability but the Tribunal did not appreciate the matter properly and allowed compensation on lower side.

5) We have gone through the award passed by the Tribunal. It is evident that before the Tribunal appellant did not examine any medical officer to prove any injury sustained by her; or to prove disability. In support of her income no legal substantial evidence was adduced. Though income, injuries and even disability were not proved, yet the Tribunal considered the matter

sympathetically and on various heads as above allowed compensation to her.

6) We are of the considered view that finding of facts recorded by the Tribunal does not appear to be illegal or perverse, which may call for interference by this Court. Accordingly, the appeal is dismissed.

Sd/- **Chief Justice**	**Sd/-** **V.K. Shrivastava** **Judge**